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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,259	03/02/2004	Andrew L. Van Brocklin	200316559-1	4004

22879 7590 10/25/2005

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EXAMINER
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TSIDULKO, MARK

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/792,259	<b>Applicant(s)</b> VAN BROCKLIN ET AL.	
	<b>Examiner</b> Mark Tsidulko	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-11,14-17 and 19-22 is/are rejected.
- 7) ☒ Claim(s) 5,12,13 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>101105</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

The submission of amendment filed on 8/22/2005 is acknowledged. At this point claims 1-3, 10, 17 have been amended, new claim 22 has been added and the remaining claims left unchanged. Thus, claims 1-22 are at issue in the instant application.

### *Claim Objections*

Claims 14-16 are objected to because of the following informalities:

Referring to Claim 14 it is not shown *what* method is claimed.

Claims 15 and 16 are objected as claims depended on claim 14.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-11, 17, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aleksic (US 2003/0210221).

Referring to Claim 1 Aleksic discloses a device for providing LC display including a sensor that senses a hue of an ambient light (page 3, [0028] and modulating device providing color correction of the LCD in response to the color of the ambient light [0029].

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Discloses the instant claimed invention except for adjustment of color of the ambient light.

Since the modulating device adjusts the color of the LCD, it will of course be understood by those skilled in the art that the modulator can be used for adjustment of color of the ambient light.

Referring to Claim 2 Aleksic discloses (Fig.5) a device for providing LC display including a control device [455] that controls the color of the compensating light (backlight color control) (page 4, [0033], [0034]).

Referring to Claim 3 Aleksic discloses a device for providing LC display including a backlight as a light source (Abstract).

Referring to Claim 4 Aleksic discloses a backlight providing a white light [0035].

Referring to Claim 5 Aleksic discloses an optical modulator that can modulate the hue of the light.

Referring to Claim 7, 8, 19, 20 Aleksic discloses back-lit device, using a backlight, but does not disclose a front-lit. It is understood, that any arrangement of the light source (back or front) can be used without changing functionality of the device.

Referring to Claims 9 and 10 it is clearly understood that any source of light (sun or electrical light source) can be used as an ambient light source.

Referring to Claim 11 Aleksic discloses a device for providing LC display including a sensor that senses a hue of an ambient light (page 3, [0028]) and modulating device providing color correction of the LCD in response to the color of the ambient light (page 3, [0029]) and a controller (page 4, [0034], [0035]).

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Referring to Claims 14-16, as best understood, and 22 Aleksic discloses structure of the device, but does not disclose a method of compensation of the hue of the ambient light.

- regarding claims 14, 16 Aleksic discloses a device for providing LC display including a sensor that senses a hue of an ambient light (page 3, [0028] and modulating device providing color correction of the LCD in response to the color of the ambient light [0029];
- regarding claim 15 it is understood, that the light sources provided any colored light known in the art, may be used for the device that implements its function regardless of the color of the light;
- regarding claim 22 Aleksic discloses a device for providing LC display including a sensor that senses a hue of an ambient light (page 3, [0028] and modulating device providing color correction of the LCD in response to the color of the ambient light [0029].

Referring to Claim 17 Aleksic discloses a device for providing LC display including a sensor that senses a hue of an ambient light (page 3, [0028] and modulating device providing color correction of the LCD in response to the color of the ambient light [0029].

Aleksic discloses the instant claimed invention except for adjustment of color of the ambient light.

Since the modulating device adjusts the color of the LCD, it will of course be understood by those skilled in the art that the modulator can be used for adjustment of color of the ambient light.

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It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the modulating device of Aleksic for adjustment of color of the ambient light.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aleksic (US 2003/0210221) in view of Mueller et al. (US 2004/0052076).

Aleksic discloses the instant claimed invention except for feedback loop.

Mueller et al. disclose a feedback loop for adjusting the color of the light (page 2, [1149]).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the feedback loop, as taught by Mueller et al., for the device of Aleksic, for the purpose of adjusting the color of the light.

#### ***Allowable Subject Matter***

Claims 5, 12, 13, 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Referring to Claim 5 the prior art of record fails to show a lighting device for compensating a hue of the ambient light having a condenser lens.

Referring to Claim 12 the prior art of record fails to show a lighting device for compensating a hue of the ambient light having a first and a second reflectors.

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Referring to Claim 13 the prior art of record fails to show a lighting device for compensating a hue of the ambient light having a Fabry-Perot interference device.

Referring to Claim 18 the prior art of record fails to show a lighting device for compensating a hue of the ambient light having a plurality of spaced reflectors.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.

October 12, 2005



JOHN ANTHONY WARD  
PRIMARY EXAMINER